

DEC 12 2005**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT****KENNETH R. CALIHAN,****Petitioner - Appellant,****v.****SUPERIOR COURT, Superior Court of
the State of California, County of Contra
Costa,****Respondent - Appellee.****No. 04-17221****D.C. No. CV-04-04336-CRB****MEMORANDUM***

**Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding**

Submitted December 5, 2005**

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

**Kenneth R. Calihan, a pre-trial detainee in California, appeals pro se the
district court's dismissal of his 28 U.S.C. § 2241 habeas petition. We have**

*** This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-
3.**

**** This panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).**

jurisdiction pursuant to 28 U.S.C. § 1291, and review the dismissal de novo. *See Zitto v. Crabtree*, 185 F.3d 930, 931 (9th Cir. 1999). We affirm.

Calihan contends that the state charges against him must be dismissed due to a violation of his right to a speedy trial. We decline to entertain this contention. Principles of comity and federalism require us to abstain from deciding pre-conviction habeas challenges unless the petitioner demonstrates that “special circumstances” warrant federal intervention. *See Younger v. Harris*, 401 U.S. 37, 41 (1971); *Carden v. Montana*, 626 F.2d 82, 83-84 (9th Cir. 1980). Calihan has failed to show any special circumstances. *See Carden*, 626 F.2d at 84. He has not shown proven harassment, prosecution undertaken by state officials in bad faith without hope of obtaining a valid conviction, or extraordinary circumstances and irreparable injury. *See id.* Accordingly, the district court properly denied Calihan’s § 2241 petition.

AFFIRMED.